

1 **CITY COUNCIL OF THE CITY OF ANNAPOLIS**

2
3 **ORDINANCE NO. O-20-04**

4
5 **Introduced by Mayor Moyer**
6

7
8 **AN ORDINANCE** concerning

9
10 **Grading, Erosion and Sediment Control**

11
12 **FOR** the purpose of establishing the legal authority for the City to assume erosion and
13 sediment control enforcement authority from the Maryland Department of the
14 Environment, updating the City Code to be consistent with Chapter 26.17.01 of the
15 Code of Maryland Regulations; and matters generally relating to said enforcement
16 authority.

17
18 * * * * *

19
20 **BY** adding the following new section to the Code of the City of Annapolis (1996 Edition
21 and Supplement)
22 Section 17.04.825

23
24
25 **BY** repealing and re-enacting with amendments the following sections of the Code of
26 the City of Annapolis (1996 Edition an Supplement)
27 Section 17.04.380
28 Section 17.04.740
29 Section 17.04.950
30 Section 17.08.010
31 Section 17.08.020
32 Section 17.08.040
33 Section 17.08.050
34 Section 17.08.060
35 Section 17.08.070
36 Section 17.08.120
37 Section 17.08.130
38 Section 17.08.140
39 Section 17.08.160
40 Section 17.08.170
41 Section 17.08.200
42 Section 17.08.210
43 Section 17.08.220
44 Section 17.08.260
45

1 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**
2 **COUNCIL** that the Code of the City of Annapolis shall read as follows:

3
4 **Section 17.04.380 Erosion and sediment control plan.**

5
6 "Erosion and sediment control plan" means a strategy or plan designed to minimize
7 erosion and prevent off-site sedimentation by containing sediment on site or by passing
8 sediment-laden runoff through a sediment control measure, prepared and approved in
9 accordance with the specific requirements of the Anne Arundel ~~soil conservation district~~
10 **Soil Conservation District** and this title, and designed in accordance with the ~~1983~~ **1994**
11 Maryland Standards and Specifications for Soil Erosion and Sediment Control and any
12 subsequent revisions.

13
14 **Section 17.04.740 Sediment control inspection agency.**

15
16 "Sediment control inspection agency" means the Maryland Department of the
17 Environment ~~or if delegation of enforcement authority is granted then the City of Annapolis,~~
18 ~~Department of Public Works~~ **Department of Neighborhood and Environmental Programs.**

19
20
21 **Section 17.04.825 Standards and Specifications.**

22
23 "Standards and specifications" means the "1994 Maryland Standards and
24 Specifications for Soil Erosion and Sediment Control" or any subsequent revisions.

25
26 **Section 17.04.950 Variance.**

27
28 "Variance" means ~~the grant of relief from the terms of any chapter within this title~~
29 ~~modification of the criteria set forth in the Standards and Specifications.~~

30
31 **17.08.010 Purpose.**

32
33 A. The purpose of this chapter is to protect the public health, safety and property
34 and the general welfare of the community by establishing minimum requirements for the
35 stripping, excavating and filling of land, for dredging, and for the control of soil erosion and
36 sediment. Minimizing soil erosion and off-site sedimentation will minimize damage to public
37 and private property, and assist in the attainment and maintenance of water quality
38 standards.

39
40 B. The provisions of this chapter are minimum requirements. They shall be
41 conformed to in addition to, rather than in lieu of, all other legal requirements, and shall be

1 construed liberally to accomplish the purposes set forth. No person shall allow and no
2 landowner shall permit any work to be performed which violates this chapter.

3
4 C. The provisions of this chapter are adopted pursuant to Annotated Code of
5 Maryland, Environment Article, Title 4, Subtitle 1 (or its successors), as well as the
6 authority of the eCity eCharter and the eCity eCode and shall apply to all grading
7 occurring within the eCity.

8
9 **Section 17.08.020 Liability for damages.**

10
11 The issuance of a permit under the provisions of this chapter or compliance with the
12 provisions of this chapter does not relieve a person from responsibility for damage to
13 persons or property otherwise imposed by law, or impose liability on the eCity for damages.

14
15
16 **Section 17.08.030 Grading permit--Required application.**

17
18 A. Except as set forth in Section 17.08.040, no person shall do and no owner
19 allow, any grading of land without first having obtained a grading permit from the eDirector.
20 Each permit shall authorize only the improvements set forth in the application and
21 accompanying drawings, but each permit may cover any number of contiguous lots.

22
23 B. The application shall be filed with the eDirector or his designee. Both the
24 owner of the property and the contractor engaged to do the work are responsible equally
25 for obtaining the required grading permit.

26
27 C. Each application for a grading permit shall be supported by the following:

- 28
29 1. Plans and specifications in accordance with Section 17.08.060;
30
31 2. The required fees in accordance with Section 17.08.080;
32
33 3. The written approval of appropriate state and federal agencies, where
34 applicable;
35
36 4. A right-of-entry to the eCity, or ~~sediment control inspector~~, for periodic
37 inspection for compliance with this title;
38
39 5. A bond in accordance with Section 18.08.092;
40

6. Payment to the eCity fFinance dDirector of all applicable school impact fees assessed by Anne Arundel County, or proof that the project is not subject to the eCounty's school impact fees.

Section 17.08.040 Grading permit--Exceptions.

A grading permit is not required for the following provided that the other provisions of this chapter and of applicable state law are satisfied:

A. Land on which the following exist:

~~1. The site is on a paved, graveled or publicly maintained street where storm drainage facilities are in operation and roadside ditches stabilized;~~

~~2. The site is covered completely with existing, stable vegetation;~~

3.1. Land-disturbing activities shall be limited to less than five thousand square feet,

4.2. The total excavation volume or fill volume of the site is less than one hundred cubic yards, and is above the established mean high water line,

5.3. Land-disturbing activities shall not include steep slope areas,

6.4. The owner, builder, developer or permittee is not the owner, builder, developer or permittee of any contiguous lots undergoing development,

7.5. The proposed grading will not impair existing surface drainage, constitute a potential erosion hazard, or act as a source of sedimentation to any adjacent land or watercourse,

8.6. Grading will not take place within one hundred feet of the mean high water line, and

~~9. Bare earth is seeded, sodded or protected in a prompt, effective manner from erosive actions;~~

B. Land-disturbing activities that are subject exclusively to state approval and enforcement under state law and regulations.

Section 17.08.050 Variances--Erosion and sediment control plan.

1
2 A. The Director, based on written recommendations from the Anne Arundel
3 Soil Conservation District, may grant a variance from the requirements of the "1983
4 1994 Maryland Standards and Specifications for Soil Erosion and Sediment Control," and
5 any subsequent revisions, if strict adherence to the specifications will result in unnecessary
6 hardship and not fulfill the intent of this chapter. The developer shall submit a written
7 request for a variance to the Anne Arundel Soil Conservation District. The request shall
8 state the specific variances sought and reasons for requesting the variance. The Director
9 shall not grant a variance unless and until sufficient specific reasons justifying the variance
10 are provided by the owner/developer to the satisfaction of the Anne Arundel Soil
11 Conservation District.

12
13 B. The granting of a variance as noted in this section does not in any way
14 exempt the applicant from compliance with the other requirements of this chapter.
15

16 **Section 17.08.060 Permit--Plans and specifications.**

17
18 The grading permit application shall include site plans and specifications prepared
19 by a design professional that provide, but shall not be limited to, the following information:
20

21 A. An erosion and sediment control plan, on a scale not less than one inch
22 equals forty feet, which meets the requirements of the Anne Arundel Soil Conservation
23 District, this title, the state sediment control regulations, COMAR 08.05.01 26.17.01 and
24 the "1983 1994 Maryland Standards and Specifications for Soil Erosion and Sediment
25 Control" and any subsequent revisions. The plan shall include sufficient information to
26 evaluate the environmental characteristics of the affected areas, the potential impacts of
27 the proposed grading on water resources, and the effectiveness and acceptability of
28 measures proposed to minimize soil erosion and off-site sedimentation. The applicant shall
29 certify on the drawings that all clearing, grading, drainage, construction and development
30 shall be conducted in strict accordance with the plan. The plan shall include the following:
31

32 1. Applicant information: names, addresses and telephone numbers of the
33 applicant, owner, contractor, developer, engineer, and person responsible for the proposed
34 work,
35

36 2. Site location information: lot number, section, block, zone, property tax
37 number, and address,
38

39 3. A vicinity sketch indicating north arrow, scale and other information necessary
40 to locate the property easily,
41

1 4. A boundary line survey delineating the property lines of the site, or a copy of
2 the officially recorded plat,

3
4 5. Existing and proposed topography for the site and the one-hundred-foot
5 peripheral strip at contour intervals as determined by the slope:

6
7 a. Average three percent or less, contours shall have not more than one-foot
8 interval,

9
10 b. Average more than three percent but less than fifteen percent, contours shall
11 have not more than a two-foot interval, or

12
13 c. Average fifteen percent or more, contours shall have not more than a five-foot
14 interval,

15
16 6. Location of existing and proposed buildings or structures, utilities, sanitary
17 sewers, water mains, storm drainage systems, roadways, and fences on the site and within
18 one hundred feet of the site,

19
20 7. The estimated **disturbed surface area**, volumes of cut, fill, borrow and spoil
21 materials for the site and limits of grading,

22
23 8. Sequence of construction describing the relationship between the
24 implementation and maintenance of erosion and sediment control measures, including
25 permanent and temporary stabilization and the various stages or phases of earth
26 disturbance and construction. The sequence of construction shall, at a minimum, include
27 a schedule and time frame for the following activities:

28
29 a. Clearing and grubbing for those areas necessary for installation of perimeter
30 controls

31
32 b. Construction of perimeter controls

33
34 c. Remaining clearing and grubbing

35
36 d. Road grading

37
38 e. Grading for remainder of site

39
40 f. Utility installation

41
42 g. Final grading, landscaping or stabilization, and

1 h. Removal of controls,
2

3 9. Erosion and sediment control measures that minimize on-site erosion and
4 prevent off-site sedimentation, including:
5

6 a. Provisions to preserve topsoil and limit disturbance
7

8 b. Details of grading practices
9

10 c. Design details for structural controls that pertain to drainage, retaining walls,
11 cribbing, vegetative practices, erosion and sediment control measures, and other protective
12 devices to be constructed in connection with, or as part of, the proposed work, and
13

14 d. Details of temporary and permanent stabilization measures, including
15 placement of the following statement on the plan:
16

17 Following initial soil disturbance or redisturbance, permanent or temporary stabilization
18 shall be completed within:
19

20 I. Seven calendar days as to the surface of all perimeter dikes, swales, ditches,
21 perimeter slopes, and all slopes greater than three horizontal to one vertical (3:1); and
22

23 II. Fourteen calendar days as to all other disturbed or graded areas on the
24 project site.
25

26 The requirements of Section 17.08.060 (A)(9)(D)(I) and (II) do not apply to those
27 areas which are shown on the plan and currently are being used for material storage or for
28 those areas on which actual active construction activities are being performed.
29 Maintenance shall be performed as necessary to ensure that the stabilized areas
30 continuously meet the appropriate requirements of the "1983 1994 Maryland Standards and
31 Specifications for Soil Erosion and Sediment Control" and any subsequent revisions,
32

33 10. A statement shall be placed on the sediment and erosion control plan that
34 states the following: "The developer/owner shall request that the ~~sediment control~~
35 ~~inspection agency~~ Director approve work completed in accordance with the approved
36 erosion and sediment control plan, the grading or building permit, and this title"
37

38 a. On all sites with disturbed areas in excess of two acres, approval of the
39 sediment control inspection agency shall be requested upon completion of installation of
40 perimeter erosion and sediment controls, but before proceeding with any other earth
41 disturbance or grading. Other building or grading inspection approvals may not be

1 authorized until this initial approval by the ~~sediment control inspection agency~~ Director is
2 made, and
3

4 b. Approval shall be requested upon final stabilization of all sites with disturbed
5 areas in excess of two acres before removal of controls,
6

7 11. Certification by the developer/owner that any clearing, grading, construction
8 or development, or all of these, will be done pursuant to this plan and that responsible
9 personnel involved in the construction project will have a ~~e~~Certificate of ~~t~~Training at a
10 Maryland Department of the Environment approved training program for the control of
11 sediment and erosion before beginning the project. The ~~e~~Certification of ~~t~~Training for
12 ~~r~~Responsible ~~p~~Personnel requirement may be waived by the Anne Arundel ~~s~~Soil
13 ~~e~~Conservation ~~d~~District on any project involving four or fewer residential units,
14

15 12. A statement on the sediment and erosion control plan that indicates the
16 permittee shall notify the ~~sediment control inspection agency~~ Director forty-eight hours
17 before commencing any land-disturbing activity;
18

19 B. Adequate plans and specifications detailing:
20

21 1. Complete storm drainage information:
22

23 a. Drainage area map, and where applicable, subdrainage area boundaries, on
24 a scale of not less than one inch to two hundred feet
25

26 b. Hydrologic and hydraulic studies, as required by the ~~e~~Department, and
27

28 c. Requirements as stated in Chapter 17.10, Stormwater Management, of this
29 ~~e~~Code,
30

31 2. Requirements as stated in Chapter 17.11, Floodplain Management, of this
32 ~~e~~Code,
33

34 3. Profiles for the following, where required by the ~~e~~Department:
35

36 a. Roadways
37

38 b. Storm drainage systems and drainage channels
39

40 c. Sanitary sewers, and
41

42 d. Water lines,

1 4. Requirements as stated in Chapter 17.09, Trees in Development Areas, of
2 this eCode,

3
4 5. An engineer's certification where determined to be necessary by the
5 dDirector,

6
7 6. Supplemental reports, data or additional information as the dDepartment may
8 require to the adequacy of the proposed plan. This information may include, but is not
9 limited to:

10 a. A record of field observations

11
12 b. Field test data (such as behavior of adjacent or nearby structures, geologic
13 history and origin of soil, test boring log giving classification, standard penetration data and
14 water level observations, pile load test, plate load test, and others as necessary)

15
16 c. Laboratory test data (such as moisture density curves, grain size curves,
17 shear strength tests, moisture content, and consolidation test results), and

18
19 d. Project characteristics (such as those affecting soil and foundation design,
20 sensitivity to settlement and design loads, factor of safety against failure, consequences
21 of failure and merits of programmed maintenance, location of borrow pits on site or location
22 where suitable fill will be obtained)

23
24 e. An outfall survey that documents the preconstruction and post-construction
25 conditions of the development site's drainage area outfall, and which may include a
26 topographical or bathymetric survey, vegetation description, photographic or video
27 documentation, and soil survey. mMonitoring devices may be required,

28
29 7. The dDepartment may waive the filing of particular information wherever in
30 its judgment the information will serve no useful purpose for the particular project and the
31 waiver does not contravene the purposes of this title.
32
33

34 **Section 17.08.070 Permit--Approvals.**

35
36 No grading permit shall be issued unless:

37
38 A. The dDepartment has reviewed and approved all site plans and
39 specifications, and verified the estimated costs; and

40
41 B. An erosion and sediment control plan has been approved by the Anne
42 Arundel soil conservation district sSoil eConservation dDistrict. The approved plan shall

1 include the signature and date of approval by the approval agency **Anne Arundel Soil**
2 **Conservation District**; and
3

4 C. All plans have received written approval by the appropriate state and federal
5 agencies, where applicable; and
6

7 D. Special exception or subdivision approval, as appropriate, has been obtained
8 for land development projects; and
9

10 E. For a use which is designated under Title 21 as a permitted use subject to
11 standards, the project first has been approved by the dDepartment of pPlanning and
12 zZoning in accordance with Chapter 21.77 of the eCode; and
13

14 F. All other provisions within the eCode have been satisfied, as required. The
15 dDepartment may impose such conditions as may be determined to be necessary to
16 ensure compliance with the provisions of this title, the state sediment control regulations,
17 COMAR 08.05.01-26.17.01, the "1983-1994 Maryland Standards and Specifications for Soil
18 Erosion and Sediment Control" (or any subsequent revisions), or for the preservation of
19 public health and safety.
20
21

22 **Section 17.08.120 Permit--Suspension or revocation.**

23

24 The dDirector or his designee may suspend or revoke any grading permit for any
25 violations of the approved sediment control plan, of the permit requirements, of the stop
26 work order, or of this title, or any irregularities in grading, excavation or fill, or for unsafe or
27 unworkmanlike operations or misrepresentation of facts, or for the purpose of inspection.
28

29 **Section 17.08.130 Plan modification.**

30

31 A. Major Modifications. Major modifications of the approved sediment and
32 erosion control plans shall be submitted to the dDirector or his designee and reprocessed
33 as an initial application.
34

35 B. Minor Modifications.
36

37 1. The Anne Arundel sSoil eConservation dDistrict shall develop a list of minor
38 modifications of the approved erosion and sediment control plans that may be approved
39 as field changes by the sediment control inspection agency **Director**.
40

2. Field modifications of a minor nature may be authorized by the ~~sediment control inspection agency~~ **Director** provided written authorization is given to the person performing the work, ~~the department, and the Anne Arundel soil conservation district.~~

Section 17.08.140 Expiration, renewal, deadline extension and nontransferability.

A. The applicant has thirty calendar days after the ~~d~~**D**epartment's verbal or written notification of permit approval to claim the approved grading permit.

B. A grading permit expires if no work is commenced within ninety days after issuance. A one-time renewal is permitted within a period of six months after the date of expiration if the conditions under which the permit was issued originally have remained unchanged, except that the construction phase time schedule must be revised. A permit may not be renewed more than once.

C. A grading permit **and the approved erosion and sediment control plan** shall be valid for two years from the date of issuance, unless a shorter time period is designated by the ~~d~~**D**irector or his designee.

D. If the applicant is unable to complete the work within the time specified in the approved application, the applicant shall present a written request for extension to the ~~d~~**D**irector or his designee within thirty days before the expiration of the permit. The extension request shall set forth the reasons for the extension. Where, in the sole discretion of the ~~d~~**D**irector or his designee, the extension is warranted, the ~~d~~**D**irector may allow additional time as may be necessary to complete the approved work.

E. No permit issued under this title is transferable without the concurrence of the ~~d~~**D**irector or his designee. A written request for the transfer shall be submitted by the original applicant and the transferee shall acknowledge acceptance of the conditions under which the original permit was issued.

Section 17.08.160 Erosion and sediment control--General restrictions **requirements.**

A. Effective control of soil to prevent erosion shall include the following:

A1. Development shall be fitted to the topography and soils to create the least erosion potential.

B2. Natural vegetation shall be retained wherever possible.

1 E3. The smallest practical area of land shall be exposed at any one period during
2 development for the shortest practical period of time in order to reduce the amount of land
3 area and the duration of soil exposure.

4
5 D4. Temporary vegetation or mulching shall be used to protect critical areas soils
6 exposed during the time of development.

7
8 E5. Erosion-control practices such as interceptor ditches, berms, terraces,
9 contour ripping, soil erosion checks and sediment basins consistent with sections B, F, and
10 G of the 1994 Maryland Standards and Specifications for Soil Erosion and
11 Sediment Control shall be installed to minimize soil and water losses.

12
13 F6. During and after development, provisions shall be made to accommodate in
14 an effective manner the increased water runoff caused by changes in soil and surface
15 conditions and to avoid siltation of receiving streams.

16
17 G. Permanent vegetation and mulching shall be applied to exposed soils as soon
18 as initial grading is completed, not to exceed thirty days after the start of grading. In the
19 event grading cannot be completed in thirty days, temporary vegetation or mulching shall
20 be used to protect areas on which grading is complete.

21
22 H7. Satisfactory cover shall be maintained during the life of the project and is
23 subject to inspection.

24
25 B. The Department shall investigate complaints or accept complaints
26 from any interested party and apply their enforcement procedure when violations are
27 confirmed. Any erosion and sediment control complaint received shall be acted upon,
28 routinely with three working days, and the complainant shall be notified of any action or
29 proposed action routinely within seven working days after receipt of the complaint.

30
31 **Section 17.08.170 Steep slope areas.**

32
33 A. Development within natural steep slope areas is permitted subject to the
34 provisions of this section.

35
36 B. Development may occur within steep slope areas, provided that a minimum
37 of thirty percent of the lot or parcel on which the principal structure is to be situated is less
38 than fifteen percent grade and is contiguous to a Department-approved standard road so
39 that direct access by vehicle to the principal structure may be achieved. The extent of
40 cutting and filling permitted on a lot shall be based on the soil conditions at the site and as
41 determined by the Department acting upon the recommendations of the Anne Arundel
42 sSoil eConservation dDistrict.

1 C. Roads and streets shall be placed as close to the contour as possible in order
2 to minimize cutting or filling.
3

4 **Section 17.08.200 State and federal standards for erosion and sediment control.**

5
6 Technical standards and specifications have been established by the Maryland
7 Department of the Environment and by USDA Soil Conservation Service for procedures
8 such as vegetative sediment **erosion**-control measures, structural sediment-control
9 measures, fills and classification, compaction, maximum slopes for cut and fill, drainage for
10 surface water runoff and other topics as may be deemed necessary or appropriate. The
11 established technical standards supplement this chapter and establish minimum standards
12 both for cutting and filling operations and for the control of soil erosion and sediment.
13 Failure to comply with these standards may lead to ~~denial~~ **revocation** of a grading permit
14 in accordance with Section 17.08.110.
15

16 **Section 17.08.210 Drainage.**

17
18 A. Surface water runoff shall be disposed of or conveyed in accordance with the
19 provisions of this section.
20

21 B. Drainage facilities shall be designed to prevent erosion, uncontrolled overflow,
22 and ponding when ponding is not an integral part of the design and function of the drainage
23 facility. The water shall be conveyed to an acceptable outlet in accordance with the design
24 criteria, standards and procedures required by the ~~Department~~ **DD** Department. The ponding of water is
25 not permitted above a cut or fill slope ~~or on a drainage terrace~~. Adequate drainage facilities
26 shall be provided to prevent ponding above a cut or fill slope ~~or on a drainage terrace~~.
27

28 C. Surface water or groundwater may not damage the face of a cut or fill. Each
29 slope shall be protected from surface water runoff by a berm or swale. Suitable underdrains
30 shall be installed to intercept and carry ground water seepage to an acceptable outlet.
31

32 D. Each area shall be graded to provide for positive drainage away from the
33 building and toward the approved disposal area.
34

35 E. The construction of all structures shall be preceded by the installation of storm
36 drainage systems and stabilization measures.
37

38 F. Stormwater management designs shall comply with Chapter 17.10,
39 Stormwater Management, and Chapter 17.11, Floodplain Management.
40

41 **Section 17.08.220 Inspections.**

1
2 A. Prior to initiating any work subject to this chapter, the permittee shall submit
3 for approval, upon the request of the dDepartment, a proposed inspection and construction
4 control program schedule. A preconstruction conference may be conducted, upon request
5 of the dDepartment, on the job site to review the procedures and control measures to be
6 utilized. Participants shall include the permittee or the permittee's authorized agent, the
7 design engineer and, the dDepartment and a representative of the soil conservation district.

8
9 B. The permittee shall be responsible for maintaining a copy of the approved
10 erosion and sediment control plans, and other approved site plans on site.

11
12 C. The dDirector or his designee may make additional inspections as he or she
13 determines to be appropriate. No work approved in accordance with this chapter shall
14 proceed beyond any one stage until the assigned inspector Director inspects the site and
15 approves the work previously completed. Upon notification from the permittee the inspector
16 shall inspect the site and notify the permittee of approval or rejection within forty-eight
17 hours (exclusive of Saturdays, Sundays and legal holidays). If the inspector does not make
18 an inspection within the specified time period, work may proceed. However, it will be
19 without presumption of approval and at the sole risk of the permittee.

20
21 D. Every active site having an approved erosion and sediment control plan
22 should be inspected for compliance with the plan on the average of once every two weeks.

23
24 E. Inspectors shall prepare written reports after every inspection. The inspection
25 report shall describe:

- 26
27 1. The date and location of the site inspection;
28
29 2. Whether or not the approved plan has been implemented and maintained in
30 a proper manner;
31
32 3. Any practice deficiencies or erosion and sediment control plan deficiencies;
33
34 4. The type of enforcement action taken to alleviate any existing violations.

35
36 F. The inspection agency Director verbally shall notify the on-site personnel, or
37 and the owner/developer in writing, when violations are observed, describing:

- 38
39 1. The nature of the violation;
40
41 2. The required corrective action; and
42

1 3. The time period in which to have the violation corrected.

2
3 G. Department inspection notification is the responsibility of the permittee prior
4 to the installation of any public improvements or stormwater management facilities.

5
6 H. It is a condition of each grading permit that the department City, its authorized
7 agents, ~~and the sediment control inspector~~ have the right of entry to the site in order to
8 inspect periodically for compliance with this title and to undertake work in accordance with
9 Sections 17.08.092 and 17.08.100.

10
11 I. In the event of a valid complaint concerning erosion and sediment control, an
12 investigative inspection shall be made by the dDepartment within five three days of the
13 complaint. A response to the complaint shall be made within ten seven days of the
14 complaint.

15
16 **Section 17.08.260 Enforcement and noncompliance.**

17
18 A. Whenever a violation of this title is found on any site, whether or not a permit
19 has been issued, the dDepartment, or its authorized agent, shall notify verbally the on-site
20 personnel or and the permittee of the violation, and describe the required corrective action
21 and the time period in which to have the violation corrected.

22
23 B. If the violation persists after the date specified by the dDepartment for
24 corrective action, then the dDepartment may shall issue a stop work order to on-site
25 personnel and place a stop work order on the property.

26
27 C. Within seven calendar days after the stop work order is issued or placed on
28 site as described in this section, a copy of the order shall be sent by certified mail to the
29 permittee and the owner. The dDepartment shall determine the extent to which work is
30 stopped, which may include all work on the site except that work necessary to correct the
31 a violation.

32
33 D. If, in the judgment of the dDepartment, remedial action has not taken place
34 within the required time specified in the certified notification described in this section, the
35 permittee and the owner shall be guilty of a municipal infraction and shall be subject to a
36 fine of five hundred dollars for any single, initial violation and a fine of five hundred dollars
37 for each repeat or continuing violation. Each day after the deadline stated in the certified
38 notification shall constitute a separate offense.

39
40 E. The eCity shall pursue violations that affect secured work as follows:
41

1 1. Whenever secured work does not comply with or conform to a permit or
2 approved plans and specifications and if the eCity desires to obtain the security posted, a
3 written notice of noncompliance shall be sent by certified mail to the permittee and the
4 surety.

5
6 2. The notice shall set forth the nature of the corrections required and the time
7 within which the corrections shall be made. If the permittee does not act on the notice
8 within the time set forth, a stop-work notice shall be posted on the site and except as
9 permitted by the dDirector, no further work is permitted on the site.

10
11 3. If the corrections are not commenced and pursued in a diligent manner within
12 the time specified in the notice, the permittee is considered to be in default of the
13 obligations imposed by this title, and the eCity may take immediate action to obtain the
14 security posted.

15
16 F. The dDepartment or the sediment control inspection agency may seek an
17 injunction against any person who violates or threatens to violate any provision of this
18 chapter.

19
20 G. In addition to any other sanction under this chapter, a person who fails to
21 install or to maintain erosion and sediment controls in accordance with an approved erosion
22 and sediment control plan is, under Section 4-116 of the Environment Article, Annotated
23 Code of Maryland, guilty of a misdemeanor, and upon conviction in a court of competent
24 jurisdiction is subject to a fine not exceeding \$10,000 or imprisonment not exceeding one
25 year or both for each violation with costs imposed in the discretion of the court. Further,
26 the City may bring a civil action against a person for a violation of this chapter. shall be
27 liable to the city or the state, in a civil action, for damages in an amount equal to double the
28 cost of installing or maintaining the controls.

29
30 H. Any governing authority that recovers damages in accordance with this
31 subsection shall deposit them in a special fund, to be used solely for:

- 32
33 1. The proper installation of erosion and sedimentation control measures;
34
35 2. Administration of the sediment control program.

36
37 I. Failure to obtain a permit as required in this chapter shall result in a stop work
38 order until the appropriate permits have been approved. All work, except for the installation
39 of erosion and sediment control measures necessary to contain and stabilize the site, shall
40 cease in compliance with the stop work order.

41

J. It shall be the responsibility of the owner, contractor or authorized agent to maintain erosion and sediment controls at all times during demolition, grading, construction and vacant land after hours, weekends and holidays.

K. Any step in the enforcement process can be taken at anytime, depending on the severity of the violation.

L. A person who fails to comply with any or all of the requirements or provisions of this chapter or any order or requirement of the Director or any other authorized employee of the City is guilty of a municipal infraction and is subject to a fine as established by resolution of the City Council for each repeat or continuing violation. Each day after the expiration of the allowed remedial work period shall constitute a separate offense. In addition, no other inspections shall be made by the Department for the project in question until remedial action has been satisfactorily completed and the subject fine has been paid in full.

SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that this Ordinance shall take effect from the date of its passage.

ADOPTED this 13th day of September, 2004.

ATTEST:

THE ANNAPOLIS CITY COUNCIL

Deborah Heinbuch, MMC
City Clerk

BY: _____
ELLEN O. MOYER, MAYOR

EXPLANATION:

Redlining indicates matter added to existing law.

~~Strike Out indicates matter deleted from existing law.~~

Underlining indicates amendments.